EASEMENT VACATION 3/7/83 Lot 1, Blk 1, Graytower Estates 5980 Pine Grove Rd. (Neal Erickson) TO: Mayor and City Council

FROM: Fran Hoffman, City Enginer-

VIA: Kenneth Rosland, City Manager

SUBJECT: Easement Vacation - Graytower Estates

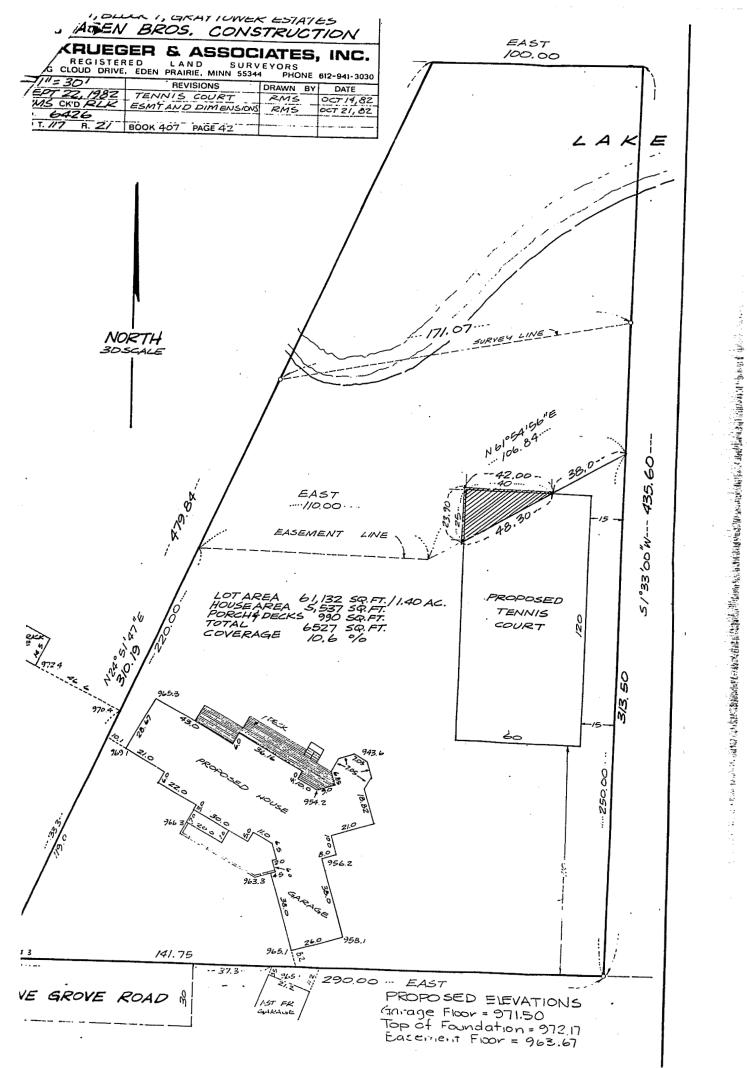
The attached sketch shows the area (crosshatched) which is requested to be vacated for purposes of a tennis court. Also, the attached document provides a clause (page 2, Section A) which allows the property owner to request use of the easement area.

The staff believes that this request should be reviewed as a policy decision on scenic easement set backs from ponds and lakes. This document is a fore-runner of all current scenic easements which basically discourges any encroachment on the easement area.

This type of request usually has no bearing on our City utility or street system as is normally the case. As such we would recommend one of two alternatives:

- A. Continue to review this type of request on an individual basis or;
- B. Adopt a general policy which reaffirms the scenic easement language which suggests no encroachment of man-made structures.

FJH:1m 2/25/83



STATE OF MINNESOTA)

COUNTY OF HENNEPIN) SS CITY OF EDINA)	CERTIFICATE OF MAILING NOTICE
of the City of Edina, Minnesota date 2/4/83 City I deposited in the United Active and Public 2 (Exhibit A), enclosed in sealed prepaid, addressed to the perso list (Exhibit B) attached to the in my office, said persons bein County Auditor as owners of the names, as of a date // and that I also sent said notice	deing the duly qualified acting City Clerk a, hereby certify that on the following by acting on behalf of said States mail copies of the attached cenvelopes, with postage thereon duly must at the addresses as shown on the mailing must energy and the records of the must be appearing on the records of the must be property listed opposite their respective days prior to the date of the hearing; must be appeared by the component of the must be appeared by the component of the must be appeared by the component of the hearing; must be appeared by the component of the component of the hearing of the component of the component of the hearing of the component of the component of the hearing of the component
<u>Name</u>	Address
	,
WITNESS my hand and s	4
	Florence B. Hallberg

NOTICE OF PUBLIC HEARING ON VACATION OF EASEMENT FOR DRAINAGE PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

Lot 1, Block 1, Graytower Estates

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on February 28, 1983, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

That part of Lot 1, Block 1, Graytower Estates described as follows:

Commencing at the Southeast corner of said Lot 1, thence on an assumed bearing of North 1 degree 33 minutes 00 seconds East, along the East line of said Lot 1, a distance of 250.00 feet; thence South 61 degrees 54 minutes 56 seconds a distance of 38.00 feet; thence continuing South 61 degrees 54 minutes 56 seconds a distance of 48.30 feet; thence North 23.90 feet; thence East 42.00 feet to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg, City Clerk

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STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

AFFIDAVIT OF POSTING NOTICE OF HEARING

That part of Lot 1, Block 1, Graytower Estates described as follows:

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The undersigned, being first duly sworn, upon oath deposes and says that he is a duly appointed and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on he posted the Notice of Hearing on street vacation above described to be held on , a true and correct copy of which is hereto attached, at each of the following official City Bulletin Boards located at conspicuous places within the City in a manner likely to attract attention:

One at Edina City Hall, 4801 W. 50th Street
One at 50th and France Business Area - 3922 W. 50th Street
One at Amundson Avenue Shopping Center - Northwest corner
of Parking Lot

Delice Petrolmen

Dated 02-05-83

Subscribed and sworn to before me this 5 day of 4th, 1983

Notary Public, Hennepin County,

Minnesota

My commission expires:

(Notorial Seal)

NOTICE OF PUBLIC HEARING ON VACATION OF EASEMENT FOR DRAINAGE PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

Lot 1, Block 1, Graytower Estates

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BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg, City Clerk

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by	Acceptable Opposed Conditional
CONDITIONS	
MINNEGASCO by	Acceptable Opposed Conditional
CONDITIONS	
NORTHWESTERN BELL by a- St. Rake	Acceptable Opposed Conditional
CONDITIONS	
N.S.P. by	Acceptable Opposed Conditional
CONDITIONS	
LOCATION bot 1 Block 1	GRAYTOWER ESTATES

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

STREET AND/OR EASEMENT VACATION REVIEW

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MINNEGASCO by	Acceptable Opposed Conditional
CONDITIONS	•
NORTHWESTERN BELL by	Acceptable Opposed Conditional
CONDITIONS	
N.S.P. by S.E. Frager	Acceptable Opposed Conditional
CONDITIONS	
LOCATION	

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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ON VACATION OF EASEMENT FOR DRAINAGE PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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Florence B. Hallberg, City Clerk

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	PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE
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BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg, City Clerk

Lot 7, 8, 9, Blk 3 Mirror Lates in Elive

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CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Da	ite Initiated 47	1485 7 an	14, 1785	
1)	I hereby petition the City described public right-of-		of Edina to vacate	all of the following
	Street	Alley	Utili	ty Easement
	Drainage Easement	Other	· (describe)	
Des	scription of area proposed t	to be vacated:	· ·	
				•
	1/801/		thone 938 - 3	
2)	Review			
	CITY ENGINEER by Conditions	Accep	tableOpposed	Conditional
	MINNEGASCO by Conditions	Accer	tableOpposed	Conditional
	N.W. BELL by Conditions	Accer	tableOpposed	Conditional
	N.S.P. by Conditions		tableOpposed	Conditional
	1		• .	

10-3800 Pd 7500 1/14/83 teaslier - pr



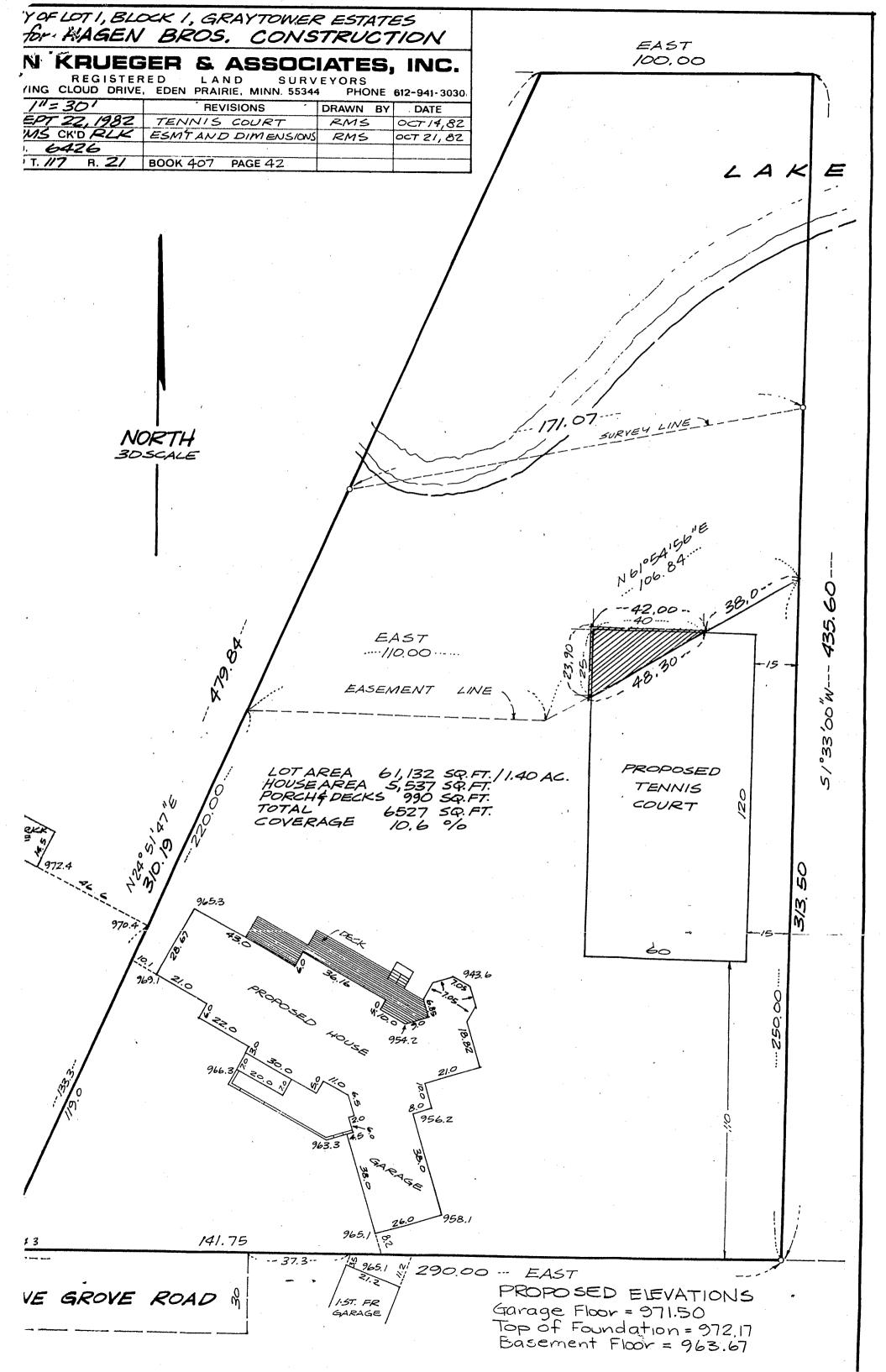
RON KRUEGER & ASSOCIATES, INC.

REGISTERED LAND SURVEYORS
8140 FLYING CLOUD DRIVE, EDEN PRAIRIE, MN 55344 PHONE 612-941-3030

LEGAL DESCRIPTION OF TENNIS COURT ENCROACHMENT INTO NATURAL EASEMENT

That part of Lot 1, Block 1, Graytower Estates described as follows;

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AFFIDAVIT OF PUBLICATION **EDINA SUN**

7401 Bush Lake Road

Edina, Minnesota

Market and Deale Title Management

State of Minnesota County of Hennepin

D. K. MORTENSON, being duly sworn, on oath says he is and during all times here stated has been the vice president and general manager of the newspaper know as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once every week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisement. (4) Said newspaper is circulated in and near the municipalities which it purports to advertisement. (4) Said newspaper is circulated in and near the municipalities which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Edina in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter and affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed NOTICE OF PUBLIC HEATING
hereto attached as a part hereof was cut from the columns of said newspaper, and was printed
and published therein in the English language, once each week, for two successive weeks;
that it was first so published on Wed the 9 day of February, 19 83
that it was first so published on wee the day of the day of the
4
and was thereafter printed and published on every. Wednesday to and including
Wed the 16 day of February 83 and that the following is a printed copy
of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:
abcdefghijklmnopqrstuvwxyz
1 i an 1
Q. K. Molenson
Subscribed and sworn to before me this 16 day of February 19 83
$0 \cdot \cdot$
Meredel Heddlax.
MERIDEL M. HEDBLOM
MOTARY PUBLIC - MINNESOTA
(C) CONAL LODGE - MINISTER

My commission expires July 2, 1986

(Official Publication)
CITY OF EDINA
4801 W. 59TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF EASEMENT FOR
DRAINAGE PURPOSES OF THE
COUNTY, MINNESOTA
LOT 1, BLOCK 1, GRATTOWER,
ESTATES
NOTICE IS HEREBY GIVEN HA
HENNEPING
COUNTY, MINNESOTA
LOT 1, COUNCIL Of the City of Edina,
Hennepin County, Minnesota, will
meet at the Edina City, Hail, 467, W.
50th Street on February 25, 1883, at
7:00 o clock p.m. for the purpose of
holding a public hearing on the proposed vacation of the february easement for drainage purposes?
That part of Lot 1, Bock 1,
Graytower Estates despibed as
follows:

7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the feature easement for drainage purpose of the proposed vacation of the feature easement for drainage purpose of the part of the feature easement for drainage purpose of the feature easement for drainage purpose of the feature easement for drainage easement of the feature easement easemen



AFFIDAVIT OF PUBLICATION **EDINA SUN**

7401 Bush Lake Road

Edina, Minnesota

State of Minnesota **County of Hennepin**

Subscribed and sworn to before me this____

MERIDEL M. HEDBLOM

MOTARY PUBLIC - MINNESOTA HENNEPIN COUNTY commission expires July 2, 1986

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nd was thereafter printed and published on	every Wednesday to and including
Wed the 16 day of February 19 f the lower case alphabet from A to Z, both inclusive, ind of type used in the composition and publication abcdefghijklmno	of said notice, to wit:

16 day of February, 19 83

(Official Publication)
CITY OF EDINA

4891 W. SPH. STREET
EDINA, MINNEGOTA SEA
NOTICE OF PUBLIC HEARTNE ON
VACATION OF EASEMENT FOR
DRAMMGE PURPOSES IN THE
CITY OF EDINA, HENNEPIN
COUNTY, MINNESOTA
LOT 1, BLOCK 1, GRAYTOWER
ESTATES
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BY ORDER OF THE EDINA CITY COUNCIL.

FLORENCE B. HALLBERG City Clerk (Feb. 9 & 16, 1983) -ED

TO: Mayor and City Council

FROM: Fran Hoffman, City Enginer

VIA: Kenneth Rosland, City Manager

SUBJECT: Easement Vacation - Graytower Estates

The attached sketch shows the area (crosshatched) which is requested to be vacated for purposes of a tennis court. Also, the attached document provides a clause (page 2, Section A) which allows the property owner to request use of the easement area.

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 - B. Adopt a general policy which reaffirms the scenic easement language which suggests no encroachment of man-made structures.

FJH:1m 2/25/83

EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, Linneus G. Idstrom, single (herein called "Grantor"), does hereby grant, bargain, sell, convey and warrant to the CITY OF EDINA, a municipal corporation, in the County of Hennepin, State of Minnesota (herein called "Grantee"), the following:

1. A perpetual easement over and in the property hereinafter described (herein called "Easement Area") and the bed and water of the body of water on or adjoining the same, for the purpose of protecting the hydraulic efficiency and natural character and beauty of the Easement Area and of the body of water on or adjoining the same; and the right and privilege to enter upon the Easement Area with such men and equipment as are necessary, in the opinion of the City of Edina, for the doing of such work on the Easement Area as it deems necessary or desirable for accomplishment of the purposes of this easement, including the right to remove or in any way change or relocate any trees, shrubs, plants, or any growing or living thing on the Easement Area, but not including, however, the right to construct or maintain on the Easement Area any buildings or other structures of any kind.

The rights and privileges herein granted to Grantee do not include any right to use the Easement Area for construction of public beaches, docks or dockage facilities, paths for pedestrians, bicycles or vehicles, or to create and maintain any public park or recreational area thereon. The easements and rights hereby granted, bargained, sold, conveyed and warranted are over, upon, across and in the tract of land situated in Hennepin County, State of Minnesota, described as follows, to-wit:

That part of Lots 1 and 2, Block 1, GRAYTOWER ESTATES lying Northerly of the following described line: Beginning at a point in the East line of said Lot 1, distant 250 feet North of the Southeast corner thereof; thence South 61 degrees 54 minutes 56 seconds West, a distance of 106.84 feet; thence West 100 feet to a point in the Westerly line of said Lot 1, distant 220 feet Northeasterly of the Southwest corner of said Lot 1; thence North 42 degrees 26 minutes 20 seconds West, a distance of 154.15 feet to the North line of said Lot 2 and there terminating. For purposes of this description, the East line of said Lot 1 is assumed to bear North 1 degree 33 seconds East.

Grantor does covenant with the City of Edina, its successors and assigns, that it is well seized in fee of the Easement Area aforesaid, and has good right to sell and convey the same in manner and form aforesaid, and that the same are free from all encumbrances.

Grantor, for Grantor and Grantor's heirs, representatives, successors, and assigns, for the foregoing considerations, further agrees with respect to the Easement Area as follows:

- A. That no improvements of any kind shall be constructed on or over all or any part of the Easement Area, and no excavating, filling, grading, or raising of the elevation of all or any part of the Easement Area shall be made or done by Grantor without, in each instance, first receiving the prior consent of Grantee, its successors, or assigns.
- B. That no consent of Grantee given pursuant hereto shall be effective until and unless filed of record in the appropriate office in Hennepin County, Minnesota, so as to give constructive notice thereof:

- C. That any improvements constructed by Grantor, with the consent of Grantee, when and if constructed, shall be maintained by Grantor and Grantor's heirs, representatives, successors, and assigns, at Grantor's and their own cost and expense, at all times, in a neat, clean, and safe condition and in good state of repair;
- D. That Grantor does hereby, for Grantor and Grantor's heirs, representatives, successors, and assigns, remise, release, acquit, and forever discharge Grantee, its successors and assigns, and any and all of its officers and employees, of and from any and all claims, demands, or causes of action of any kind or nature whatsoever that may arise or accrue by virtue of any entry upon or use of the Easement Area for any one or more of the purposes of this easement;
- E. If there shall be a violation or an attempt to violate any of these covenants, restrictions, or reservations, it shall be lawful for Grantee, its successors, or assigns, to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant, restriction, or reservation, and either to prevent him or them from so doing or recover damages for such violation. The restrictions, covenants, and reservations herein contained shall be for the benefit of Grantee, its successors, and assigns, and may be amended, modified, or terminated by a duly recorded resolution of the City of Edina making such amendment, modification, or termination.

All of the provisions hereof shall rum with the land and shall extend to and bind and inure to the benefit of the heirs, representatives, successors, grantees or assigns of the respective parties hereto.

This instrument is exempt from State Deed Tax.

IN WITNESS WHEREOF, Grantor has executed these presents this day of June, 1975.

Linneus G. Idstrom

STATE OF MINNESOTA

SS.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 30 day of June, 1975, by Linneus G. Idstrom, single.

Notary Public

FRED W. BROBERG

NOTARY PUBLIC - MINNESOTA

HENNESHY COUNTY

My Contribution Expires July 20, 1976

This instrument was drafted by:

This instrument was drafted by
Dorsey, Marquart, Windhorst, West & Halladay
2400 ist National Bank Bidg.
Minneapolis, Minneacts 35402